

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING**

STATE MEDICAL BOARD

**MINUTES OF MEETING
February 7-8, 2019**

*These are draft minutes prepared by staff of the Alaska State Medical Board.
They have not been reviewed or approved by the Board.*

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Medical Board was held on Thursday and Friday, February 7-8, 2019 in Anchorage, Alaska.

Thursday, February 7, 2019

Call to Order

The meeting was called to order by Craig Humphreys, MD, Chair, at 9:05 a.m.

Roll Call

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Catherine Hyndman, MD
Sai-Ling Liu, DO (by teleconference)
Doug Mertz, Public Member
Joy M. Neyhart, DO
Timothy Olson, PA-C
Craig Humphreys, MD

Board staff present: Debora Stovern, Executive Administrator

There were no visitors present.

- Report from safety officer – Ms. Stovern noted appropriate emergency exits and gathering location.

Agenda Item Review Agenda

The Board reviewed the agenda.

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Agenda Item 1 Board Business

The following Board Business was addressed:

- Ethics Reporting – there were no ethics conflicts to report.
- Board Disciplinary Guidelines – the Board reviewed their disciplinary guidelines, revised at the August 2018 meeting.
- Board Policies, and Procedures – The Board reviewed their guidelines regarding controlled substances prescribing, as well as a letter from the Pharmacy Board regarding some recent issues with pharmacists filling such prescriptions. Dr. Humphreys volunteered to contact the Pharmacy Board Chair to discuss the issue further.

Discuss Licensure Compacts – the Board continues to support the Interstate Medical Licensure Compact for physician licensure. The Board has recently become aware of a compact for EMS personnel that includes Paramedics, EMTs, and AEMTs; they will hear a briefing on the REPLICA Compact under Agenda Item 9, to be presented by staff from the Office of Emergency Medical Services, Department of Health and Social Services.

Agenda Item 2 Hearing Officer Proposal

In the Matter of Case No. 2017-001168 / OAH-18-0527-MED
Administrative Law Judge Cheryl Mandala joined the meeting.

Upon a motion duly made by Dr. Hyndman, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing OAH Case No. 18-0567-MED; with Board staff and ALJ Mandala remaining during the session.

The Board entered executive session at 9:12 a.m. The Board went back on the record at 10:22 a.m.

Upon a motion duly made by Dr. Clift, seconded by Dr. Hyndman, and approved by roll call vote, the Board adopted the Addendum to Consent Agreement, OAH Case No. 18-0567-MED, signed by Christopher Jensen, MD.

Roll Call Vote:

Mrs. Carlson-No
Dr. Clift-Yea
Dr. Hyndman-Yea
Dr. Liu-Yea
Mr. Mertz-Yea
Dr. Neyhart-Yea
Mr. Olson-Yea

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Dr. Humphreys-Yea

The adoption order was signed by the Chair.
ALJ Mandala departed from the meeting.

Agenda item 3 Board Actions

Upon a motion duly made by Dr. Hyndman, seconded by Dr. Clift, and approved by roll call vote, the Board adopted the Non-disciplinary Consent Agreement, Case No. 2019-000047, signed by Donald Leon Wilson, MD.

The adoption order was signed by the Chair.

Agenda Item 4 Investigative Unit

Investigators Sonia Lipker, Michelle Wall-Rood, Autumn Roark, Christina Bond, and Billy Holmstead joined the meeting.

Inv. Wall-Rood presented the investigative report. Inv. Bond presented the probation report.

Upon a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing probation matters; with Board staff remaining during the session.

The Board entered executive session at 10:40 a.m. The Board went back on the record at 10:44 a.m.

Agenda Item 8 Continuing Medical Education (CME) Audit

Audit status

Statistics for the audit from the last license renewal period were included in the board packet for further review.

Case No. 2018-000223

Upon a motion duly made by Dr. Clift seconded by Dr. Hyndman, and approved unanimously, the Board and adopted the consent agreement, Case No. 2018-000223, signed by Mark E. Trump, MD.

The adoption order was signed by the Chair.

Case No. 2017-000942

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Upon a motion duly made by Dr. Hyndman seconded by Dr. Clift, and approved unanimously, the Board and adopted the license surrender agreement, Case No. 2017-000942, signed by Frank T.Y. Huang, MD.

The adoption order was signed by the Chair.

Audit Process

The Board Policies and Procedures regarding the audit process was included in the Board packet for further review.

Agenda Item Board Review of Requests

There were not requests for Board consideration.

Agenda Item 5 Probation Monitoring

Kelton Oliver, MD

Dr. Oliver was present for his probation interview.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing probation matters; with Board staff and Dr. Oliver remaining during the session.

The Board entered executive session at 11:15 a.m., and went back on the record at 11:30 a.m.

John Pappenheim, MD

Dr. Pappenheim was unable to attend his probation interview due to travel issues. It will be rescheduled for the May meeting.

Investigators departed from the meeting.

Agenda Item 6 Malpractice Report Review

The Board declined to consider malpractice reports for Case No. 3PA-18-1478-CI, pending receipt of additional information.

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board accepted the malpractice reports for Case No. LALA-006220, Case No. 5500000124453380, Case No. 16-CA-000921, Case No. 15-1-0276-02-RAN, Case No. 1036553, Case No. 3AN-16-7652-CI, Case No. 15-003359-CI, Case No. 2016DCV-1070-B, Case No. 3AN-17-04116-CI, and Case No. 2015-L-012113, with no further action at this time.

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Agenda Item 11 Legislative Information and Updates

Guidance for Board Members

A Division publication regarding participation in the Legislative process was included the Board packet for further review.

Legislative Updates

The Board reviewed SB 44 regarding telehealth for Physician Assistants. They noted that the telemedicine bill passed during a previous Legislature, was specific to physicians. This bill would expand that authority to PAs.

Upon a motion duly made by Mr. Olson, seconded by Mr. Mertz, and approved unanimously, the Board determined to support the bill.

Mr. Olson volunteered to follow the legislation.

Recess for lunch

The Board recessed for lunch at 12:15 p.m.

The Board went back on the record at 1:15 p.m.

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Catherine Hyndman, MD
Sai-Ling Liu, DO (by teleconference)
Doug Mertz, Public Member
Joy M. Neyhart, DO
Timothy Olson, PA-C
Craig Humphreys, MD

Board staff present: Debora Stovern, Executive Administrator

There were no visitors present.

Agenda item 7 Full Board Interviews

Upon a motion duly made by Dr. Neyhart, seconded by Mr. Olson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application interviews; with Board staff remaining during the session.

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The Board entered executive session at 1:16 p.m., and went back on the record at 1:30 p.m.

Greg Martin Wilkinson, PA-C

Upon a motion duly made by Dr. Hyndman, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application Mr. Wilkinson; with Board staff remaining during the session.

The Board entered executive session at 1:32 p.m., and went back on the record at 1:41 p.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Hyndman, and approved unanimously, the Board granted a full unrestricted physician assistant license to Greg Martin Wilkinson.

Timothy Paul Armstrong, MD

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application Dr. Armstrong; with Board staff remaining during the session.

The Board entered executive session at 1:46 p.m., and went back on the record at 1:55 p.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board granted a full unrestricted license to Timothy Paul Armstrong, MD.

Agenda Item 10 Regulations Information and Updates

Pending regulation projects:

The Board reviewed their draft regulations regarding delegation of routine duties to unlicensed assistive personnel, medical licensing process, Physician Assistant licensing, Codes of Ethics, Podiatrist residency program requirements, and meeting requirements. They completed the FAQ for each proposed change, so that the project may be sent out for public comment and considered for adoption at the May meeting.

Potential regulation projects:

The Board reviewed their requirements regarding graduates of international medical schools, and determined to continue discussion of the matter at the next meeting.

Regulation Process

A Division publication regarding the steps in the regulation process was included in the Board packet for further review.

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Agenda Item Probation Matter

Inv. Holmstead joined the meeting.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing probation matters; with Board staff remaining during the session.

The Board entered executive session at 2:30 p.m., and went back on the record at 2:45 p.m.

Upon a motion duly made by Dr. Hyndman, seconded by Dr. Clift, and approved unanimously, the Board agreed to modify the Consent Agreement for John Pappenheim, MD, Case No. 2017-000473, and release him from the psychotherapy counseling requirement under Paragraph K of his Consent Agreement. All other conditions of the Consent Agreement remain unchanged.

Agenda Item Public Comment Forum

Visitors present included:

Kari Bernard, representing the Alaska Academy of Physician Assistants – was observing only, and did not wish to speak with the Board.

Public Comment period closed 3:15 p.m.

Agenda Item 9 Briefing on REPLICA Licensure Compact

Brian Ritchie, Emergency Medical Services Officer with the Department of Health and Social Services, joined the meeting to provide information on the Recognition of EMS Personnel Licensure Interstate CompAct (REPLICA).

The Board recessed at 3:45 p.m.

Friday, February 8, 2019

Call to Order

The meeting was called to order by Craig Humphreys, MD, Chair, at 9:05 a.m.

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Roll Call

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Catherine Hyndman, MD
Sai-Ling Liu, DO (by teleconference)
Doug Mertz, Public Member
Joy M. Neyhart, DO
Timothy Olson, PA-C
Craig Humphreys, MD

Board staff present: Debora Stovern, Executive Administrator

There were no visitors present.

Agenda item 7 Full Board Interviews

Upon a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application interviews; with Board staff remaining during the session.

The Board entered executive session at 9:08 a.m., and went back on the record at 9:26 a.m.

Michael Hoaglin, MD

Dr. Hoaglin was unable to attend; his interview will be rescheduled for the May meeting.

Scott Allen Harman, MD

Dr. Harman was present to discuss his license application with the Board.

Upon a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Harman; with Board staff and Dr. Harman remaining during the session.

The Board entered executive session at 9:27 a.m., and went back on the record at 9:33 a.m.

Upon a motion duly made by Dr. Hyndman, seconded by Dr. Neyhart, and approved unanimously, the Board granted a full unrestricted license to Scott Allen Harman, MD.

David Mark Christensen, MD

Dr. Christensen was present to discuss his license application with the Board.

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Upon a motion duly made by Dr. Neyhart, seconded by Dr. Hyndman, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Christensen; with Board staff and Dr. Christensen remaining during the session.

The Board entered executive session at 9:41 a.m., and went back on the record at 10:05 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board granted a full unrestricted license to David Mark Christensen, MD.

Dr. Humphreys reported that he has prior knowledge of Dr. Christensen's practice that did not affect his decision on the application.

Agenda Item Division Update

Marylene Wales, Division Accountant, joined the meeting by teleconference to review the Board's financial reports.

Deputy Director Sharon Walsh joined the meeting to observe.

New Business

There was no new business for consideration.

Agenda Item 15 Federation of State Medical Boards (FSMB) updates

It was noted that the FSMB Annual meeting is scheduled for April 25-27, 2019 in Ft. Worth, TX. The Board directed Dr. Neyhart and Ms. Stovern to attend

The following FSMB items were included in the Board packet for further review:

- 1) Highlights from Board of Directors meeting
- 2) Annual Meeting information
 - Call for committee appointments
 - Call for nominations
 - Call for staff fellows
 - Call for award nominations
- 3) Advocacy Information
- 4) News from Interstate Medical Licensure Compact Commission (IMLCC)

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David Scott Henley
Shashita Inamdar
Jerri Lynne Jensen
Frederick Barry Joseph
Sargam Kapoor
Siamak Karimian
Gregory Allen Kennebeck
Nam H. Kim
Travis Les King-Weaver
Andrew Joseph Koerber
Christopher Edward Kowalski
John C. LaMattina
Gene Hyung Lee
Diana Murleyce Malone
Tobin Anne McCarty
Lindsey Rapp Smith Mcilvena
Vivek Rashmikant Mehta
Aja Morningstar
Matthew Scott Muller
Joshua Paul Nickerson
Roberto Francesco Nicosia
Muhammad Atanur Khalid Nuri
Aman Opneja
Thomas Michael Peterson
Kara Nicole Purdy
Ashley Gale Rubin
Alicia Kim Sanchez
Rodney Warner Schaffer
Stanley Rhett Smith
Danal Sue Snyder
Scott Russell Soerries
Raymond Lee Stillwell
James Lawrence Taggart
Maude Marion Vance
Carrie Louise Vargo
Michael Jacob Wagner
Austin Fisher Wallace
Jane Jianfang Yin
Dykes Maxwell Young

Upon a motion duly made by Dr. Hyndman, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following osteopathic physicians for licensure in Alaska, pending completion of their application files:

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Jonathan Eden Benaknin
Matthew Joseph Boren
Leonard Karol Dunkoski
Martin Joseph Glaves
Hazel Elizabeth Jackson
Timothy Micah Lemaire
Christina Aloria Mainar
Michael Wayne Manning
Tung N. Nguyen
Emily Mika Reynolds
Susan Lynn Steffans
Lara Elizabeth Stewart
Benjamin Wilbour Westcott
Corey Ryan White

Upon a motion duly made by Dr. Hyndman, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following physician assistants for licensure in Alaska, pending completion of their application files

Christina Marie Bernier
Ashley Ann Ajoah Boge
Pearl Margaret Churchill
Jonathan Paul Clemens
Scott Allen Cooper
Jonathan Patrick Corrigan
Dayna M. Daku
Christopher Harold Dunaway
Micah L. Endres
Meghan Christine Palmer Hall
Zachary Daniel Hartman
Leigha Jae Henry-Waugh
Benjamin Douglas Johnson
Keith A. Lund
Peter David Marbarger
Theresa Catherine Mellas
Cheukyin Pang
Ivy Nicole Parayo
Jennifer Beacham Person
Daniel B. Rick
Bennett Robert Stadler
Mykaela Denise Stuart
Ellen Sara Warrick
Stephanie Ann Wettin
Robert Allen Wood
Hope Omega Zachman

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Upon a motion duly made by Dr. Hyndman, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following mobile intensive care paramedics for licensure in Alaska, pending completion of their application files:

*Brendan Jacob Blossom
Carson McKinley Canner
Thomas John Cox
Hugh Joseph Doyle III
Samanatha Jean Hatfield
Alexander David Jones
Miles Thomas Jones
Maressa Larosa
Jolie Anne Miller
Jon Lawrence Misewicz
Michael L. Packard
Robert Lee Wensel
Anne Kaitlin Wilcock
Kris-Ann O Wilcox*

Agenda Item 14 Hearing Officer Proposal

In the Matter of Case No. 2018-000793 and 2017-000652 / OAH-18-0846-MED

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Hyndman, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing OAH Case No. 18-0846-MED; with Board staff remaining during the session.

The Board entered executive session at 12:23 p.m. Administrative Law Judge Andrew Lebo joined the executive session at 12:59 p.m. The Board went back on the record at 1:25 p.m.

ALJ Lebo departed from the meeting.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing OAH Case No. 18-0846-MED; with Board staff remaining during the session.

The Board entered executive session at 12:36 p.m. The Board went back on the record at 1:53 p.m.

Upon a motion duly made by Dr. Hyndman, seconded by Dr. Clift, and approved unanimously, in the matter of Peter J. Osterbauer, M.D., OAH No. 18-0846-MED, and Case Numbers 2018-000793 and 2017-000541, the Board selected Non-Adoption Option B.

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In accordance with AS 44.64.060(e)(3), the Board revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

- **On page 2 of the Proposed Decision and Order, revises the last phrase of the first paragraph to read "and an additional fine in the amount of \$25,000."**
- **On page 12 of the Proposed Decision and Order, revises the last paragraph to read: The Board believes that Dr. Osterbauer's repeated violations of consent agreements - specifically his failure to abstain from consuming alcohol - requires us to take accelerated steps to require compliance. Therefore, the Board orders that Dr. Osterbauer's license be suspended for 18 months from this date; that the conditions of his 2017 consent agreement are continued and incorporated into this order, including the requirement of complete abstinence from consuming alcohol; and imposing a regimen of 90 AA meetings over a 90-day period; continuing his daily Antabuse dosing while having it monitored by his employer; continuing the counseling and work with the PHC, as required under the consent agreement; undergoing daily UAs at his place of employment; imposition of a 10-year period of probation starting as of the effective date of this decision; immediately beginning payments on the \$10,000 fine already due for violating the consent agreement (if not already begun); an additional fine at the maximum level the Board is authorized to impose, \$25,000;50 and a public reprimand.**
- **The Board wishes to make clear that if he fails to comply with these requirements, it intends, absent compelling evidence in his defense, to move toward revocation of his license.**

The Board determined to have their Board Guideline regarding Applicants with Substance Abuse History reviewed by the Office of Attorney General for future guidance.

Annual Election of Officers

Upon a motion duly made by Dr. Clift, seconded by Mr. Mertz, and approved unanimously, the Board appointed Dr. Hyndman as Board president and appointed Dr. Neyhart as Board secretary.

Adjournment

There being no further business, the meeting was adjourned at 2:02 p.m.

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